

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Civil Action No.: 5:17-cv- 00511-FL

EPIC GAMES, INC. and EPIC GAMES
INTERNATIONAL S.à.r.l.,

Plaintiffs,

v.

B.B.,

Defendant.

**AFFIDAVIT OF CHRISTOPHER M.
THOMAS IN SUPPORT OF MOTION FOR
DEFAULT JUDGMENT**

Christopher M. Thomas, appearing before the undersigned notary and having first been duly sworn, states as follows:

1. I am over 18 years of age, suffer from no known disability, and have personal knowledge of the facts set forth herein. All the statements in this affidavit are true and correct.

2. I am counsel for the Plaintiffs in the above-captioned case.

3. Under to Local Civil Rule 55.1(b)(1), Epic's Motion for Default Judgment, filed contemporaneously herewith, is required to "be supported by an affidavit stating that each party against which judgment is sought is not an infant, an incompetent person, or in the military service of the United States as defined in the Servicemembers Civil Relief Act of 2003, as amended." *See id.*

4. In this case, the party against which judgment is sought, Defendant B.B., is believed to be a minor. Consequently, in accordance with Fed. R. Civ. P. 55(b)(2), Fed. R. Civ. P. 17(c), and Local Civil Rule 17.1(a), Epic has filed, contemporaneously herewith, a motion requesting that the Court appoint a guardian ad litem to represent the interests of B.B.

5. Because Fed. R. Civ. P. 55(b)(2) provides in relevant part, that a default judgment may be entered by the court against a minor if the minor is represented by a general guardian, conservator, or other like fiduciary who has appeared, Plaintiff's Motion for Default Judgment should be found to comply with Fed. R. Civ. P. 55 and Local Civil Rule 55.1(b)(1) upon the appointment of a guardian ad litem.

This the 13th day of June, 2018.



Christopher M. Thomas
N.C. State Bar No. 31834
christhomas@parkerpoe.com
Tasneem A. Dharamsi
N.C. State Bar No. 47697
tasneemdelphry@parkerpoe.com
PARKER POE ADAMS & BERNSTEIN LLP
150 Fayetteville Street, Suite 1400
Post Office Box 389
Raleigh, North Carolina 27602-0389
Telephone: (919) 828-0564
Facsimile: (919) 834-4564

*Attorneys for Plaintiffs
Epic Games, Inc. and Epic
Games International S.à.r.l.*

SWORN TO and subscribed before me

this the 12th day of June, 2018.


Notary Public

My Commission Expires: 2-8-19

M KATHRYN THOMPSON
NOTARY PUBLIC
WAKE COUNTY, N.C.

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing **AFFIDAVIT OF CHRISTOPHER M. THOMAS IN SUPPORT OF MOTION FOR DEFAULT JUDGMENT** was electronically filed this day with the Clerk of Court using the CM/ECF system and is available to B.B. c/o Christine Broom via PACER. Copies will be served on both B.B. and Christine Broom as soon as we are properly able to serve them, at which point undersigned counsel will file an amended certificate of service.

This the 13th day of June, 2018.

/s/ Christopher M. Thomas
Christopher M. Thomas
N.C. State Bar No. 31834
christhomas@parkerpoe.com
Tasneem A. Dharamsi
N.C. State Bar No. 47697
tasneemdelphry@parkerpoe.com
PARKER POE ADAMS & BERNSTEIN LLP
150 Fayetteville Street, Suite 1400
Post Office Box 389
Raleigh, North Carolina 27602-0389
Telephone: (919) 828-0564
Facsimile: (919) 834-4564